




**MEMORANDUM  
OFFICE OF THE MAYOR**

---

**DATE:** September 25, 2006

**TO:** George Burgess  
County Manager



**FROM:** Carlos Alvarez, Mayor  
Miami-Dade County

**SUBJECT:** Sign Ordinance Enforcement

---

Throughout the September 5, 2006 election, I observed political campaign signs on virtually every corner in some neighborhoods. While the election occurred over two weeks ago, the number of illegal political campaign signs that remain posted throughout the County is staggering. My office has received numerous complaints about illegal signs that have toppled fences, damage or obstruction of other signs and structures, and so forth. There is no question that signs – whether campaign-related, for garage sales, or open houses – posted illegally in the public right-of-way can pose a safety hazard and impede the flow of traffic. Therefore, I expect Team Metro to take swift action in responding to reports of violations and issuing citations as applicable.

According to the County's sign ordinance (Section 2-103.15 of the Code of Miami-Dade County), any signs in violation are to be removed immediately by Team Metro and the candidate given a citation for each sign. While there is a 30-day grace period for the removal of legal political campaign signs, the Code does not provide such a waiver for illegal signs. Due to the apparently high level of noncompliance with the Code, we must ensure that Team Metro is enforcing the Code to its fullest extent and that all candidates are being held to the same standard. It should be noted that all political candidates are fully-informed as to sign restrictions, as well as penalties for violations, in the Qualifying Handbook that they receive from the County's Elections Department.

I am requesting a report by October 9 detailing Team Metro's existing enforcement procedures as they relate to political campaign signs, including an assessment of the current situation and what active steps are being taken to address continual violators. I further would like statistics – detailed by candidate and covering the period since the candidate qualified to October 6 – on the number of warnings and citations issued, the amount of fines imposed/collected/pending (contested, uncollectible, etc.), and the reasons for the citations. If you need clarification on this request, please contact my office.

c: Honorable Chairman Joe A. Martinez and Members,  
Board of County Commissioners  
Honorable Harvey Ruvin, Clerk of the Courts  
Murray Greenberg, County Attorney  
Kay Sullivan, Director, Clerk of the Board  
Sammie L. Walthour, Director, Team Metro

**Sec. 2-103.15. Signs in public right-of-way; prohibition.**

(a) No person shall erect any sign, as described above [Section 2-103.14], within the right-of-way limits of any County maintained road within the unincorporated areas of Miami-Dade County or any County maintained road within the municipal limits of any municipality in Miami-Dade County.

(b) Traffic signs which have been approved by the Director of the Public Works Department are exempt from this section of the Code. Such exempted signs shall not contain any commercial advertisement.

(c) The Director of the Public Works Department has the authority to direct removal of any sign in violation of paragraph (a) as provided herein:

(1) If a sign is located on or within the right-of-way of a County maintained road in violation of paragraph (a) the Director shall have the authority to remove and dispose of the sign.

(2) The Director may require the owner or benefactor and/or erector of the sign to immediately remove the sign and repair any damage caused by the placement of the sign including the replacement of any tree damaged or destroyed by the placement of the sign.

(d) In addition to any other remedy available by law or ordinance, enforcement against the owner or benefactor and/or erector of the sign shall be as outlined in Chapter 8CC (Code Enforcement). It shall be unlawful for any person to erect any sign, as described below, within the limits of any County maintained right-of-way:

(1) Illegal sign in the right-of-way affixed to a tree in such a manner as to penetrate or injure a tree. For purposes of this section the definition of sign shall include any writing or graffiti which is directly applied to a tree.

(2) Illegal signs in the right-of-way equal to or less than 22 inches by 28 inches overall secured by any non-adhesive means including but not limited to a stake, metal rod, rope, nails, thumb tacks, bricks, or boulders in the right-of-way.

(3) Illegal signs in the right-of-way equal to or less than 22 inches by 28 inches overall secured with any adhesive type of material including but not limited to material such as tape, glue, duct tape or paste.

(4) Illegal signs in the right-of-way of a size greater than 22 inches by 28 inches overall regardless of sign material or method of posting or attachment.

(5) Illegal banners, pennants, or streamers in the right-of-way.

(e) Information contained on any sign including names, addresses or phone numbers of person benefitting from the sign shall be sufficient evidence of ownership and/or beneficial interest for purpose of the enforcement of this Section 2-103.15. It is provided, however, that a person charged with violation of this section may rebut such evidence by demonstrating the following:

(1) that the person charged with violation of this section gave prior, clear and express instruction regarding the specific lawful location or locations at which the sign or signs should have been placed. Such evidence may include written documentation establishing the prior instruction regarding the intended location, identification and form of placement of the specific sign or signs.

(2) that the sign or signs that are the subject of the charge were in fact properly and lawfully placed in accordance with the person's instruction but were moved to an unlawful location without the person's permission or authorization. Such documentation

may include but is not limited to an index of signs and site maps of their assigned locations, photographs of the proper placement of the sign or signs in accordance with the person's instructions, or police information reports of missing signs identifying the original location of the sign or signs and a description of the size and design.

(f) The provisions of paragraph (a) above do not apply to bus benches or transit shelters, or advertising on bus benches and transit shelters, on the right-of-way of any County road, which bus benches or transit shelters have been erected for the comfort or convenience of the general public, provided written authorization has been secured from Miami-Dade County pursuant to Chapter 21, Article XII (Public and Bus Passenger Benches and Shelters), Code of Miami-Dade County, Florida.

(g) The provisions of paragraph (a) above do not apply to advertising placed upon waste disposal receptacles of less than one hundred ten (110) gallons in capacity erected or placed on the right-of-way of any County road, provided written authorization has been secured from the Director of the Public Works Department.

(h) All retail stores which sell pre-printed information signs, including but not limited to signs advertising garage sales, and signs indicating that real property is for lease or sale shall post at their cashier(s) or checkout counter(s) a sign in English, Spanish and Creole that advises the customer that the placing of the foregoing type of sign in the public right-of-way is illegal and can subject a person placing such sign in a public right-of-way to a fine of up to five hundred dollars (\$500.00) per violation; provided, however, first time violators shall receive a warning rather than a fine in any dollar amount.

(Ord. No. 87-56, § 1, 9-1-87; Ord. No. 96-61, § 1, 5-7-96; Ord. No. 99-114, § 1, 9-9-99; Ord. No. 01-154, § 1, 9-25-01; Ord. No. 03-115, § 1, 5-6-03; Ord. No. 03-179, § 1, 7-22-03)

**Cross references:** Sign Code of Miami-Dade County, Florida, § 33-82 et seq.